

THE DAY IN COURTS

Three Judges But Very Little Work.

The Circuit Courts were unusually dull yesterday, notwithstanding the fact that all three judges were in session.

Judge Gear created some little interest in the morning by his sentence in the case of the three Porto Ricans found guilty of burglarizing the store of the Wailua Agricultural Company. The poor old constitution was again brought into play for a tirade against the plantation men, and an implied attack upon the Attorney General's Department, and the court was so overcome by the oratory that he postponed sentence until afternoon, announcing that he wished to first confer with his colleague, Judge Humphreys, before final action. Each of the three defendants were given a sentence of three years in Oahu prison, the court stating that he could not under the statute, have sent them up for life.

The three defendants were called up the first thing yesterday morning, and Judge Gear immediately launched upon his exposition of the constitution and the fifth amendment. The court stated that he should not have allowed the evidence so obtained in violation of the constitution to go to the jury, but no objection was made, and it was his duty under a United States Supreme Court decision to protect the interests of the defendants.

"The evidence was clearly not admissible," said the court, "under the ruling of my colleague, Judge Humphreys. These witnesses for the prosecution, the plantation manager, lunas and others, according to their own testimony, entered the rooms of these defendants, without search warrant, or right to do so, and found evidence which was introduced at this hearing. Judge Humphreys has held in a number of cases that where a man's house is invaded without a search warrant, the evidence so obtained is not evidence which can be used against him. The evidence here shows that the manager and his employees acted in a most unjust and unrighteous manner. The manager, lunas and other employees, without calling in a police officer, or without first getting a search warrant, entered the room of these defendants and put their hands in the pockets of the defendant, and strip and searched the room. They went as far as it was possible for them to go in contravention of the fifth amendment to the constitution, and their whole evidence comes from this illegal act. These plantation managers evidently believe that they have the same rights as they did under the Republic, when we had slavery here. The constitution gives no right to the manager of Wailua Agricultural Company to go to a man's room, strip him of his clothes, search his trunks and valises, dismantle the bed, or do as was done in this case. This is the proper way to do this—by the use of a police magistrate's search warrant. He had no more right to do this than has an unauthorized police power to break into a private house."

The court referred also to the old acts of the police in obtaining evidence as to opium smuggling as illegal, and also to the statement of the manager, who "unblushingly admitted he did all these things. No man, even the President of the United States, has a right to search a place without the proper papers, and if he does, he is a thief. He should not have allowed the evidence to be admitted, but the jury had found them guilty, and it was only for him to sentence them. I am not determined to release these defendants," said the court, "but I am somewhat worried as to their punishment. I shall confer with the Attorney General and my colleagues before passing sentence. I do not wish to criticize the jury, for under the evidence a verdict of guilty was justified, when taking into consideration the testimony of the witnesses for the prosecution, which was unwarranted and outrageous in free America. The plantation managers will have to learn that they are past living as kings over those under them, and they are here given notice that their employees have all the rights which the constitution of the United States gives all of us."

In the afternoon the court went over the same matter in sentencing each of the defendants to three years at Oahu prison.

CRIMINAL CASES.

Ab Nee was acquitted by a jury on the charge of stealing a bicycle. The prisoner, who was defended by F. M. Brooks, claimed that he bought the wheel for \$8, and showed a receipt for the money. He is a boy of but fourteen. The prosecuting witness rode off with the machine.

Jos. Meranda, charged with the larceny of sundry spoons and cash, was acquitted by a jury before Judge Gear yesterday afternoon.

RECEIVED HONOLULU

Judge Humphreys is occupied in hearing the case of Wong But Nam vs. Chock Sing, an action in assumpsit. A jury was secured yesterday afternoon and the trial will continue with the taking of evidence today.

BEFORE ROBINSON.

The case of Chung Man Sing vs. M. C. Amama was set for trial before Judge Robinson, but was discontinued just a few minutes before it was to be called for trial.

A demurrer in the case of J. Alfred Magoon, trustee, vs. C. Lai Young, was taken under advisement by Judge Robinson.

Judge Robinson will hear case No. 87 on the civil calendar this morning. It is entitled David Kaalepo vs. K. L. Kalel.

DAVIS IN TROUBLE.

George Davis came near getting into trouble again yesterday. He was in Gear's courtroom and amused himself by tickling Mr. Atkinson in the neck with a handkerchief, while the latter was at the clerk's desk. The court saw the by-play and asked Davis if he knew of any good reason why he shouldn't be punished for contempt. Davis replied that he didn't think, or he wouldn't have done it, to which Gear replied that he would impose a fine but for the fact that he knew Davis had no money.

BREWERS TO INVESTIGATE

May Take Up the Financing of Kona.

UPON the report of Manager Geo. H. Robertson of Brewer & Co. will depend whether or not the Kona Sugar Company's affairs will be cared for by that concern. The bond of Receiver Wundenberg was approved by the court yesterday, something qualifying in the sum of \$75,000, the following names being on the bond: Allan Herbert, J. A. Magoon, P. C. Allen and J. A. McIndooles.

Negotiations have proceeded so far that Mr. P. C. Jones and other directors of Brewer & Co. have agreed that upon a favorable report being made by Manager Robertson, the firm will become bankers for the receiver, and this will guarantee the taking care of the present crop, and if prospects are not deceptive, there will be a discharge of the receiver when this is accomplished. Should the estate come up to expectations, the crop will amount to 2500 tons, which will net at the present prices \$200,000. This, it is believed, will meet the obligations and keep up the work of planting so that there will be a wiping out of the debts, and the stockholders may resume management of the property.

The altered prospects of Kona came yesterday morning, when the members of the Brewer directorate decided that there might be made a trial of the plan of financing the project. The representations made were such as to give promise of some good business for the house, for in addition to the business as bankers for the estate there would be other matters such as shipping freight and commissions which would make the venture profitable. A meeting was arranged with the court and the discussion was had in chambers. Mr. P. C. Jones representing the company. It was then arranged that the receiver should qualify and take up the work. The house agreed to make an immediate investigation of the affairs of the plantation and then decide as to what should be done.

In pursuance of this determination Receiver Wundenberg and Manager Robertson will leave in the Mauna Loa this afternoon for a visit to Kona to go over the estate and determine the status of the affairs of the plantation. They will be gone a week or more and will look carefully into the progress of the crop which is ready to be harvested, and as well into the condition of the crops which are in prospect for future campaigns. There will be also a trip over the railroad, which is still in the hands of the contractor and his bondsmen, and when the report is made it will convey absolute information as to what may be expected from the estate and what will be needed in the way of cash to carry through the present crop.

From interested persons the estimate is made that the least amount of money which would bring the crop to market is \$125,000, and there may be an increase over this, if the labor refuses to go on with the work without being paid in full for work already performed. The railroad is now extended seven miles from the mill, and this leaves only one more mile to be completed. The contractor, Whitehouse, holds the line for his bills, which amount to \$40,000. There is also a series of bills for the fitting of the mill, which brings it up to a capacity of fifty tons a day. These will amount to \$15,000. Another item of expense which must be met at once by the receiver is that for ten miles of wire rope conveyors, which is to be used for the delivering of cane at the railroad. There is now seven miles of the conveyor at work, and the amount ordered will complete this end of the business.

The deduction of this amount of cash from the estimate sum would leave some \$80,000, to be applied to wages and to take care of store, and similar features of the plantation work. The payroll of the plantation is \$15,000, averaging up the various branches of work, and by reason of the longer period of grinding, on account of the fact that there being no irrigation the cane matures naturally and without rushing, which would necessitate the grinding within a short space of time. It is estimated that there would be seven months for the grinding season if it were needed.

TURKISH EFFECTS IN BAND STAND

The concert of the band at the Hawaiian Hotel last evening dedicated the band stand there in its new dress. Manager Lake has had carried out almost to its finality, his plan to make the stand thoroughly Turkish in its decorative effects. The roof has been painted in converging bands of red and yellow and blue, the standards in green, faced with bright red, the seats in yellow and deep green beneath.

The high shades are relieved by the studding of alternate hued lamps, and the color scheme culminates in the circle of bright red and blue lights which encircle the top of the conical roof. When all the lamps are aglow the picturesque effects are excellent and there is nothing lacking in the securing of a brilliant spectacle.

There is yet another feature to be added, however, which will eclipse anything in the oriental line ever attempted here. The minaret is to be crowned by a silver crescent, hanging from the tip of which there is to be a pendant silver star. The star is to be of glass and within it to shine an electric lamp.

HOME RULE IS TAKING A REST

According to Senator Kalaupapa a period of rest from politics is advisable, and whether from this opinion being the general one, or from the fact that there was only a small attendance upon the meeting of the executive committee of the Home Rule Association, there was nothing done, according to the same authority.

The committee which has under consideration the matter of a platform for the Fourth District special campaign, has considered many points, but has not made any report, owing to the fact that it is deemed advisable to await the proclamation of the Governor. The announcement that the proclamation is about to issue, has been made more than once, and the result is that there is some skepticism about it.

The next meeting of the committee is to be held early in next week, and the chairman will fix the day. There will be another mail by that time, and it is expected that there will be a letter from Wilcox which will be of interest, as showing what is proposed and likely to be done by Congress, as forecast by the delegate.

TO FIGHT SALOONS.

Superintendent W. H. Rice of the Anti-Saloon League leaves on the Kaimuki next Tuesday for Hawaii on his campaign of education in temperance matters. Rev. W. D. Westervelt departed last Tuesday for the Rainy City, where he will arrange an itinerary for both through the big island. Superintendent Rice said yesterday that he fully expects to get away on Tuesday, but this is conditional on his receiving by the Alameda on Saturday his stereopticon apparatus, slides and time light paraphernalia from San Francisco. The stereopticon in temperance work, he says, has special advantages and the lecture tour will be greatly aided by it. He does not know just where the lectures will be given, but wherever a church, foreign or native can be secured, and wherever a meeting place can be found on any of the islands, the two gentlemen will tell of the evils of intemperance.

The Anti-Saloon League is now distributing a pamphlet entitled, "Summary of the Liquor Laws of the Territory of Hawaii in force January, 1902," compiled by Andrews, Peters and Andrade, counsel for the league. It contains forty-six pages devoted to a summary of all the laws relating to the liquor traffic.

MANOA VALLEY A GARDEN SPOT

Thousands of garden plants, slips for hedges and young trees have been taken to Manoa valley in the past two or three weeks, and planted among the rocks and ledges in College Hills, and upon the hills above the original Manoa road. Despite the great number of plants which have been put into the ground there is apparently little to show for it. They have been planted in a large area, which takes in practically the entire College Hills tract, as far as Paupahu, and indicate that the owners of the building lots are determined that their suburbs will be the first in Honolulu. Several of the knolls in the tract bristle with outcropping ledges and the ground is strewn with moss covered rocks. Wherever there is earth enough between the boulders plants have been placed. There are vari-colored crotons, hibiscus, palms, cecanouns, ferns and young trees. When these attain a respectable growth the entire appearance of College Hills will be changed until it resembles a tropical garden.

Liquor Licenses.

Liquor licenses formed the principal topic for discussion at yesterday's meeting of the Executive Council. The status of the liquor business came in for a considerable share of attention, and Treasurer Wright proposed an extension of the liquor license to take in a part of the beer district. His extension would take in Queen street, between South and Cooke street.

King street, between Aala lane and Beretania street junction with King street, between Aala lane and a point 30 feet from Liliha street on the town side.

Licenses was issued yesterday to D. H. Davis for a saloon on Hotel street near Bethel, and to H. N. Crabbe for his place on King and Nuanua streets.

The application of J. K. Koapua for a light wine license at Koloa, Kauai, was denied, upon the adverse report of Sheriff Conroy.

The application of A. K. Nawahi for a license at Pahoa, Puna, Hawaii, was referred back to Sheriff Andrews for a further report.

The application of Manuel Freitas for a license at Kapala, Lihue was referred to the high sheriff.

JAP JEHUS RACE.

Beretania Street & Race Course After Oriental Festival.

The promiscuous use of Beretania avenue by Japanese hackmen as a race course is causing much grumbling on the part of the drivers. Almost every day a Japanese funeral procession goes slowly out Beretania street and then cuts off on a side street to the Japanese cemetery. The procession outward is dignified and no haste is apparent, but on the return to the city, each hackman vies with the other in his attempts to reach the backstreet first. It is not an uncommon sight to see three or four hacks in a bunch making use of both sides of the street, all scurrying helter-skelter toward Ford street, and driving with reckless disregard of the rights of others. That accidents have occurred so far is not the fault of the Jap jehus, but is due to the quick maneuvering of the drivers who managed to elude them. These Japs drive their horses at a rate of speed that is astonishing, whips being freely used. The Japanese as a rule are the most irresponsible drivers of horse-drawn carriages in the city.

BISHOP AND CATHEDRAL

Deacon Testa is Heard For Willis.

THE BISHOP'S secular organ has the following to say about the new scheme of cathedral consecration. In the contemplated consecration of the Cathedral Church of St. Andrew, the Independent is in perfect sympathy and harmony with the most distinguished Bishop Willis in his intention of marking the cause of his episcopal oversight of this See by a solemn act which is drawn from the depths of a desire to do in the light of the Father's will. In our opinion it is a fitting memorial to his ministry in the cause of his Master. And furthermore, it is right and proper for him so to do.

The light suggested and thrown out by this morning's Advertiser that the consecration of the cathedral will be a lay against the borrowing of money on the property, for "under the church law a consecrated building must owe no man anything." And from the tenor of the article the inference must be drawn that this was the upmost cause and reason in the bishop's mind for the carrying through this idea.

Knowing Bishop Willis as well as we do, it is safe enough for us to say Nay! to such an inference, but from the writer's own view of the case, the idea not having already occurred, and as a member of the "despised few," if the consecration is a hindrance to the borrowing of money on the property, all the more good reason why the consecration should come about. If it will save the church a property unimpaired and unencumbered, all better for those to come hereafter, for they will then have a church wherein to worship without the finger of scorn and of contempt for debt due and unpaid being pointed at them and at the church building. But we don't for a moment believe that this was the motive underlying and upmost in the bishop's mind. We believe he is far above such an implication.

When the new American bishop comes, he may take charge subject to the property rights inherent in the board of directors, in whom rests the property title for the time being. But the "hated" Second Congregation cannot take charge of the uncompleted edifice without the permission and consent of those in authority.

If our alleged friends were sincere in seeing the building completed and turn over a united front to the new incumbent of the See to come, as claimed for them and asked for by them, why had they not done so these many years? But they have been quiescent in the matter. To rend the church in twain and to belittle Bishop Willis in his efforts towards discipline has been their main fight these many years.

Since this matter of raising money by encumbering church property with debt has now been broached and mooted, we feel safe to state that this was one of the main causes that brought about the deacon, at the time of the building of the cathedral to where it had been left as it now stands today, the members of the building committee together with the trustees were in for securing the property with which to raise money and pay off the debt due the builder, but the Bishop was steadfast and obdurate in his refusal, he holding that the church property was a sacred trust. And indeed it was.

The result was that those members of the committee here mentioned, being men of standing and prominence in this community, and were well endowed with this world's goods, tendered their resignation, for they were not willing to become personally responsible for the obligation of paying the debt they had incurred. At that outcome, it became incumbent upon the bishop to appoint new trustees, which he did, and carried out the idea of paying the debt to the builder by borrowing the funds upon their own personal responsibility and that of the bishop, who since assumed all the obligations, and there is still a debt due him of about \$1500.

We may state here also that upon the bishop's assurance that the church property was intact as church property, for a grant was made by the B. G. of London towards the debt then due and which was applied towards reducing the debt then due and held by the bishop. These are matters of "past history," which ought to be made known to all instead of showing up things so-sidedly. But as to the non-payment of the debt, it is all the better that it is being done during the Lenten season, which may and should give rise to sublimative Lenten thoughts of real penitence.

Nether sarcasm nor bouquets are deemed desirable just now, but the work initiated must go ahead to completion. Bishop Willis should give to his successor the heritage of a consecrated church, and not otherwise, and let those who may come after, if they will it, raise the means with which to complete the structure proposed and promoted in Bishop Staley's time and begun during Bishop Willis' episcopacy.

Since an appeal has gone out for funds from the church wardens to the members of the church to defray the expenses incumbent upon the consecration, in order to make certain needed and proper repairs, it is earnestly hoped that all those appealed to should respond favorably and handsomely within the means at their disposal.

Jettisoned Cargo.

The gasoline schooner Brothers, which returned from Maui and Molokai on Wednesday afternoon, had a very rough time of it trying to make Kalaupapa. The schooner with three men on board left Kalaupapa on Friday afternoon with 20 bags of palm for the leper settlement. Off Kalapapa the weather got so bad that Herbert Young, rather than risk the lives of his men, abandoned his ship's boat and threw overboard all the palm but 25 bags. After standing off Molokai until the next morning he despaired of being able to effect a landing, and returned to Kalaupapa. On Monday Young made another attempt to land at Molokai, but the waves were too big for his little boat, and he ran down to Kaunakakai, where he lay to until the storm abated. He got back to Honolulu Wednesday afternoon.

The proclamation for an election in the Fourth District for Representative to succeed Archie Gillilan will be issued in a day or two. The election will be held early in April.

Nerve Tonic

Builds up the System. Strengthens.

This warm climate is very trying to all. The blood easily becomes impure and the nervous system greatly debilitated. But you can retain your health and keep your nervous system strong. This is the portrait of Mr. William Fanning, of Beaconsfield, Fremantle, Western Australia. In his letter he says:

"Upon arriving in Western Australia three years ago, I found that my blood was in bad condition and my general system all run down. I suffered greatly, especially from indigestion. I had heard so much about

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Senator Hoar has presented in the Senate a petition for the suspension of the Philippine war, signed by many prominent Americans.